IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3868 OF 2006

Pratap Vijaysingh Padode .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.M.M.Vashi for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 16th November 2006.

P.C.

. Mr.Vashi appearing in support of this application which seeks relaxation of the condition imposed by this Court submits that the

condition is imposed in the context of the prosecution, which is alleging offence of cheating as also under Maharashtra Protection of Individual Depositors Act, (MPID). The provisions of MPID Act have been declared as unconstitutional by a Full Bench of this Court. The said decision has not been reserved till date. In such circumstances, the trial is not likely to commence in near future.

2. That apart, the applicant has pointed out that he has to travel frequently. He is the Editor of a Magazine which is published from abroad. Petitioner is required to visit the countries listed at para 7 in connection with his duties as an Editor. The duties require him to visit the countries at short notice. Petitioner, through Mr.Vashi, undertakes to the respondents to inform them about his travel plans, furnish details of his residential and/or business address, contact numbers both mobile and

landlines and his proposed date of return.

3. For the reasons set out in the application the condition imposed on the petitioner of surrendering his passport witth GBCB, C.I.D., Unit III, Mumbai and the direction not to return the same permanently stands relaxed. However, in addition to the undertaking, Mr.Vashi after taking instructions makes a statement that applicant would execute a bond with two sureties of Indian Origin as desired by the prosecution before the passport is handed over to him. Application disposed of.

(S.C.Dharmadhikari, J)